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Defendants
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Attorneys for Defendants/Counterclaim-
Plaintiffs
DAKO NORTH AMERICA, INC. and DAKO
DENMARK A/S

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, ABBOTT MOLECULAR INC.,
and ABBOTT LABORATORIES INC.,

Plaintiffs,

v.

DAKO NORTH AMERICA, INC. and DAKO
DENMARK A/S,

Defendants.

CASE NO. C 05-03955 MHP

**STIPULATION AND ~~PROPOSED~~
ORDER RE: FILING OF
DEFENDANTS' AMENDED ANSWER,
DEFENSES, AND COUNTERCLAIMS
TO PLAINTIFFS' SECOND
AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

AND RELATED COUNTERCLAIMS

Plaintiffs The Regents of the University of California, Abbott Molecular Inc. and Abbott Laboratories Inc. (collectively "Plaintiffs"), and Defendants Dako North America, Inc. and Dako Denmark A/S (collectively "Dako"), by and through their respective counsel, stipulate as follows:

WHEREAS the Plaintiffs have consented in writing to allow Dako to amend its Answer and Counterclaims to Plaintiffs' Second Amended Complaint for Patent Infringement;

THEREFORE, the parties hereby stipulate and agree as follows:

Defendants Dako North America, Inc. and Dako Denmark A/S shall have leave to file the Amended Answer, Defenses, and Counterclaims of Defendants Dako North America, Inc. and Dako Denmark A/S in Response to Second Amended Complaint for Patent Infringement, a copy of which is attached hereto as Exhibit A.

By her signature below, counsel for Defendants attests that counsel for all parties concur in the filing of this stipulation.

Dated: February 20, 2009

FENWICK & WEST LLP

By: /s/ Carolyn C. Chang
Carolyn C. Chang

Attorneys for Plaintiffs/Counterdefendants

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, ABBOTT MOLECULAR
INC., and ABBOTT LABORATORIES INC.

Dated: February 20, 2009

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER L.L.P.

By: /s/ Tina E. Hulse
Tina E. Hulse

Attorneys for Defendants/Counterclaimants

DAKO NORTH AMERICA, INC. and DAKO
DENMARK A/S

ORDER

Pursuant to the foregoing Stipulation, and good cause appearing therefore;

IT IS SO ORDERED.

Dated: 2/27, 2009

By: _____

